

Notice of Allowability

Application No.

10/055,788

Examiner

Maureen M. Wallenhorst

Applicant(s)

ZHENG ET AL.

Art Unit

1743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment received on October 21, 2003.

2. ☒ The allowed claim(s) is/are 1-2, 4-9, 11-14, 16-18, 20-46 (renumbered 1-42).

3. ☒ The drawings filed on 16 January 2002 are accepted by the Examiner.

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

(a) ☐ The translation of the foreign language provisional application has been received.

6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No. _____.

(b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.

(c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached 37 CFR comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1 ☐ Notice of References Cited (PTO-892)

2 ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3 ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____

4 ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5 ☐ Notice of Informal Patent Application (PTO-152)

6 ☒ Interview Summary (PTO-413), Paper No. _____

7 ☒ Examiner's Amendment/Comment

8 ☒ Examiner's Statement of Reasons for Allowance

9 ☐ Other _____

Maureen M. Wallenhorst
Primary Examiner
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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Susan Tall on November 11, 2003.

On line 4 of claim 7, the designation -(c)—was inserted before the word “plasma”. On line 5 of claim 7, the designation -(d)—was inserted before the word “hemoglobin”.

On lines 2 and 4 of claim 25, the word --, hemoglobin—was inserted after the phrase “calcium ions”.

After line 3 in claim 32, the following phrase was inserted:

--(c) providing a hemoglobin solution and--.

Line 4 of claim 32 was deleted and changed to the following:

--(d) combining said suspension of said particles, said hemoglobin solution and said solution of calcium ions--.

On line 3 of claim 35, the phrase --and a solution containing hemoglobin—was inserted after the phrase “calcium ions”. On line 4 of claim 35, the word “and” was changed to --with--, and the phrase --and said solution containing hemoglobin—was inserted after the phrase “calcium ions”. On line 5 of claim 35, the word “solution” was changed to --solutions--. On line 6 of claim 35, the following phrase was inserted after the word “ions”:
--and hemoglobin to form a control composition--.

On lines 7-8 of claim 35, the phrase "said combined citrated plasma, said particles, and said solution of said calcium ions" was deleted and replaced by the phrase --said control composition--.

On line 2 of claim 36, line 2 of claim 37, lines 2-3 of claim 38 and lines 2-3 of claim 39, the phrase "said combined citrated plasma, said particles, and said solution of said calcium ions" was deleted and replaced by the phrase --said control composition--.

Non-elected claims 47-54 were canceled.

2. The following is an examiner's statement of reasons for allowance: Application serial no. 10/055,788 is being allowed since none of the prior art of record teaches or fairly suggests a control composition for use in a blood coagulation test, which comprises particles that aggregate in the presence of plasma, calcium ions, plasma and hemoglobin.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maureen M. Wallenhorst whose telephone number is 703-308-3912. The examiner can normally be reached on Monday-Wednesday from 6:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden, can be reached on 703-308-4037. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Maureen M. Wallenhorst
Primary Examiner
Art Unit 1743

mmw

November 17, 2003

Maureen M. Wallenhorst
MAUREEN M. WALLENHORST
PRIMARY EXAMINER
GROUP 1700